

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SHAUN WARRICK, :
Plaintiff :
: No. 3:23-CV-0591
v. :
: Judge Mariani
SECRETARY LAUREL HARRY, :
: Electronically Filed Document
: :
: *Amended Complaint Filed*
: *02/08/24*
Defendant :

BRIEF IN SUPPORT OF MOTION FOR STAY OF
DISCOVERY

Respectfully submitted,

MICHELLE A. HENRY
Attorney General

By: s/ Tyler Jefferies
TYLER JEFFERIES

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NICOLE R. DITOMO
Chief Deputy Attorney General
Civil Litigation Section

Date: May 20, 2024

Counsel for Defendant

PROCEDURAL HISTORY OF THE CASE & RELEVANT FACTUAL ALLEGATIONS

Plaintiff Shaun Warrick proceeds in this § 1983 action by Amended Complaint filed on February 8, 2024. Doc. 35. Following a motion to dismiss, Defendant Harry filed her Answer and Affirmative Defenses on May 15, 2024. Doc. 59. On May 15, 2024, Defendant Harry notified the Parties and the Court of the existence of a possibly duplicative class action suit, which Plaintiff may be a member of. Doc. 60.

On May 2, 2024, Plaintiff filed Interrogatories and Requests for Production of Documents. Doc. 52. On May 17, 2024, Plaintiff filed Requests for Admission. Docs. 62, 63. Defendant Harry has moved for a stay of discovery pending Plaintiff notifying the Court and Defendant of his intentions regarding the pending class action.

STATEMENT OF QUESTIONS INVOLVED

- I. Whether this Court should stay discovery pending Plaintiff's notification regarding the pending class action?

Suggested Answer: Yes.

ARGUMENT

The federal rules of civil procedure state the scope of discovery extends to “any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case...” Fed. R. Civ. P. 26(b)(1). Issues relating to

the scope and timing of discovery rest in the Court's sound discretion. *See, e.g., James v. York Cnty. Police Dep't*, 160 F.Appx. 126, 136 (3d Cir. 2005)).

A brief deferral of discovery to ensure that Plaintiff intends to move forward with his *pro se* matter, rather than join in the substantially similar class action, ensures Defendant a “just, speedy, and inexpensive determination” of this action. *See* Fed. R. Civ. P. 1. Plaintiff can either opt-in to the class action, where he appears to be a potential member of some of the sub-classes, or he can opt-out and proceed with this litigation; but Plaintiff cannot do both given the substantial overlap between his factual claims and requested relief, and that of the prospective class action. Should Plaintiff indicate that he would prefer to opt-in to the pending class action, such preference would obviate the need for discovery. To that end, a stay of discovery would promote the preservation of public and litigant resources, and avoid the need to undergo the potentially unnecessary discovery process.

CONCLUSION

WHEREFORE, Defendant respectfully requests this Honorable Court issue an Order granting the Motion for Stay of Discovery and stay discovery until thirty (30) days following Plaintiff informing this Court and Defendant of his intentions.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Tyler Jefferies, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on May 20, 2024, I caused to be served a true and correct copy of the foregoing document titled Brief in Support of Motion for Stay of Discovery to the following:

VIA U.S. MAIL

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s/ Tyler Jefferies
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